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Fax Number: (571) 273-8300**From:** Kenneth M. Kaslow
Phone Number: (650) 812-3434
Fax Number: (650) 812-3444**Date:** January 17, 2006
Total pages: 6 (includes cover sheet)

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number 09/853,816

Filing Date May 11, 2001

First Named Inventor Tobagi

Art Unit 2665

Examiner Name M. U. Phan

Attorney Docket Number PA1689US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
- ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
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Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ After Allowance Communication to TC
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(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
below):

1) PTO/SB/08A (x2)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Carr & Ferrell LLP	Cust. No. 22830
Signature	<i>Kenneth M. Kaslow</i>	
Printed name	Kenneth M. Kaslow	
Date	January 17, 2006	Reg. No. 32,246

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Signature	<i>Kenneth M. Kaslow</i>		
Typed or printed name	Kenneth M. Kaslow, Reg. No. 32,246	Date	January 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 17 2006

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Fouad A. Tobagi et al.

SERIAL NUMBER: 09/853,816

FILING DATE: May 11, 2001

TITLE: System and Method for Controlling Data Transfer Rates
on a Network


EXAMINER: Man U. Phan

ART UNIT: 2665

ATTY. DKT. NO.: PA1689US

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to the United States Patent and Trademark Office at 1-571-273-8300 on January 17, 2006:



Kenneth M. Kaslow, Reg. No. 32,246

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Under 37 C.F.R. §§ 1.56, and 1.97-1.98

SIR:

Pursuant to the provisions of 37 C.F.R. §§ 1.56 and 1.97-98 of the Rules of Practice in Patent Cases, enclosed herewith is form PTO-SB-08a, listing four references.

Applicants declare, in accordance with 37 C.F.R. § 1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a

{00168535v1}

communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after having made a reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Examiner is requested to make these references of official record in this application. The references cited may be material to examination of the application and are submitted in compliance with Applicants' duty of disclosure as defined by 37 C.F.R. § 1.56.

No representation is made or intended as to the completeness of this list, nor is the inclusion of any reference on this list an admission that it is prior art or pertinent to this application. No fee is due with this submission.

Respectfully submitted,
Fouad A. Tobagi et al.

January 17, 2006

By:

Kenneth M. Kaslow

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet

1

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Complete if Known

Application Number	09/853,816
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Filing Date	May 11, 2001
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First Named Inventor	Tobagi
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Art Unit	2665
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Examiner Name	M. U. Phan
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Attorney Docket Number	PA1689US
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
Considered

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Examiner Name	M. U. Phan
Attorney Docket Number	PA1689US

[illegible]

Examiner Signature		Date Considered	
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